

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

---

JUDITH MORAN,

Plaintiff,

v.

DAVITA, INC. et al.,

Defendant.

---

Civil Action No. 06-5620 (JAP)

**ORDER**

This matter is presently before the Court on Judith Moran’s motion to enforce settlement and for an additional award and attorneys’ fees and upon the Report and Recommendation of United States Magistrate Judge Lois H. Goodman (the “R&R”). The R&R, which was filed on June 28, 2013, recommended that Plaintiff’s motion be granted in part and denied in part. Having received an objection to the R&R by Plaintiff, the Court has conducted a *de novo* review of the issues raised.<sup>1</sup> *N.L.R.B. v. Frazier*, 966 F.2d 812, 816 (3d Cir. 1992). The Court resolves the motion without oral argument as permitted by Federal Rule of Civil Procedure 78. For the reasons discussed in the accompanying Opinion,

**IT IS** on this 22nd day of July, 2013,

**ORDERED** that the Report and Recommendation filed on June 28, 2013 [docket entry no. 97], recommending that Plaintiff’s Motion to Enforce Settlement be granted in part and denied in part and that the Settlement entered into on October 25, 2012 be enforced and that

---

<sup>1</sup> Review of a magistrate judge’s report and recommendation is governed by Local Civil Rule 72.1. The Rule provides that the Court “shall make a de novo determination of those portions of the report and recommendation to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.” L. Civ. R. 72.1(c)(2).

Plaintiff's application for an award of an additional payment and attorneys' fees and costs be denied, is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

**ORDERED** that Plaintiff's Motion to Enforce Settlement is granted in part and denied part; and it is further

**ORDERED** that the Settlement entered into by the parties on October 25, 2012 is enforced; and it is further

**ORDERED** that the parties shall revise the Settlement Documents to comply with the settlement terms, as clarified in the Court's Order, within twenty (20) days of the date of this Order and that the settlement monies shall be paid promptly thereafter; and it is further

**ORDERED** that Plaintiff's application for an additional award is denied; and it is further

**ORDERED** that Plaintiff shall have twenty-one (21) days from the date of this Order to submit any materials that support, or provide the basis for, her request for attorneys' fees; and it is further

**ORDERED** that this matter is remanded to Magistrate Judge Goodman for consideration of Plaintiff's request for attorneys' fees as it pertains to this Motion only.

/s/ Joel A. Pisano  
JOEL A. PISANO, U.S.D.J.